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23

24 UNITED STATES DISTRICT COURT

25 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

26 IN RE SEAGATE TECHNOLOGY LLC
27 LITIGATION

28 CONSOLIDATED ACTION

Case No. 3:16-cv-00523-JCS

**DECLARATION OF KARL J. SCHWEISS
IN SUPPORT OF SEAGATE
TECHNOLOGY LLC'S MOTION TO
SEAL PORTIONS OF OPPOSITION TO
PLAINTIFFS' ADMINISTRATIVE
MOTION FOR LEAVE TO FILE
SECOND SUPPLEMENTAL BRIEF IN
SUPPORT OF CLASS CERTIFICATION**

29 Date: June 15, 2018
30 Time: 9:30 a.m.
31 Place: Courtroom G
32 Judge: Hon. Joseph C. Spero

33 Second Consolidated Amended Complaint
34 filed: July 11, 2016

1 I, Karl J. Schweiss, declare as follows:

2 1. I am a Senior Technical Writer and Project Manager at Seagate Technology LLC
3 (“Seagate”). Unless otherwise indicated, I have personal knowledge of the facts set forth in this
4 declaration, and if called as a witness, could and would competently testify as to their truth.

5 2. I submit this declaration in support of Seagate’s Opposition to Plaintiffs’
6 Administrative Motion for Leave to File Second Supplemental Brief in Support of Class
7 Certification (Seagate’s Opposition).

8 3. It is my understanding that Exhibits 1, H, and L to the Declaration of Tenaya
9 Rodewald in support of Seagate’s Opposition have either (1) been designated as
10 “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” under the Stipulated Protective Order in
11 this case, or (2) directly quote excerpts of such documents.

12 4. These documents contain highly confidential information, including sensitive
13 commercial information concerning the operations of Seagate’s business and its strategic decision-
14 making based on market and product testing, which Seagate has conducted over time. As a result,
15 I believe that access to this sensitive business information would be used by Seagate’s competitors
16 to Seagate’s detriment because it would give them previously unavailable insight into Seagate’s
17 operations, how it measures its products’ performance, as well as its proprietary market research
18 and strategy. Seagate thus faces the risk of competitive harm should this information be disclosed.

19 5. Due to the sensitive nature of these documents, Seagate takes great efforts to
20 protect their secrecy. Indeed, Seagate only produced these documents in this litigation subject to
21 the Stipulated Protective Order, and has marked these documents as “CONFIDENTIAL” or
22 “HIGHLY CONFIDENTIAL.” Seagate therefore seeks an order sealing these documents from
23 the public record for the following reasons.

24 6. Exhibit 1 to the Rodewald Declaration is a chart responding to Exhibit 72 to the
25 Scarlett Declaration, ECF No. 175-6 (a chart compiled by Plaintiffs, which quotes and references
26 various documents produced throughout the course of discovery that were designated as either
27 “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” pursuant to the Protective Order). As set
28 forth in my prior declaration, this chart includes rows that reference internal communications and

1 discussions at Seagate regarding topics such as Seagate's market testing as well as internal Seagate
2 communications that detail Seagate's strategy for responding to complaints, the tracking of same,
3 as well as product improvement efforts. In responding to Plaintiffs' chart, Exhibit 1 discloses
4 some of this same information. Accordingly, Seagate seeks to seal portions of Exhibit 1.

5 7. Exhibit H is an internal email chain that discloses Seagate's strategic considerations
6 in updating certain data recovery services. If this information were disclosed, it could be used by
7 Seagate's competitors to predict Seagate's strategies, which could result in competitive harm to
8 Seagate.

9 8. Exhibit L is an internal email chain that discloses Seagate's website design strategy
10 and considerations, and market testing related to same. If these analyses were disclosed, they
11 would provide Seagate's competitors with previously unavailable insight into Seagate's marketing
12 analysis, which Seagate has developed over time at great expense. Further, based on my
13 understanding of the issues in this case, this document is irrelevant to the claims in Plaintiffs'
14 Motion for Class Certification, as it does not discuss the ST3000DM001 at all.

15 9. All of these documents show Seagate's internal business strategies, including its
16 market and product development strategies. Seagate goes to great lengths to ensure the
17 confidentiality of documents like these to protect itself competitive harm.

18 I declare under penalty of perjury under the laws of the United States that the foregoing is
19 true and correct.

20 Executed on this 11th day of June, 2018, in Oklahoma City, Oklahoma.

Karl J. Schweiss
Karl J. Schweiss